S.B.CR. MISC. BAIL APPLICATION NO.4877/2007

(Kailash Vs. State of Rajasthan)

Date of Order :: October 22, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr. Sandeep Mehta, for the petitioner.
Mr. Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioner that a power of attorney was executed by complainant Roopa in favour of the petitioner, which was subsequently revoked and the power of attorney was registered at the office of Sub-Registrar. The execution of power of attorney was out come of a transaction of the land.

Learned Public Prosecutor opposes the bail application and contends that Roopa, the victim, who is 85 years blind person, was forcibly taken to the Sub-Registrar Office and under the pretext that he is to sign for getting the old age pension. The petitioner got his signatures on 3-4 stamp papers.

I have gone through the statement of victim Roopa aged 85 years. He is blind and an illiterate person. The petitioner took him to the Sub-Registrar Office, got his signatures on 3-4 stamps papers in order to grab his valuable property by executing the power of attorney under threat and by deceitful means. In this view of the matter, in my view, it is not a fit case to grant anticipatory bail to the petitioner.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-